

107TH CONGRESS  
1ST SESSION

# H. R. 459

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2001

Mr. LARSEN of Washington (for himself, Mr. INSLEE, Mr. DICKS, Mr. PALLONE, Mr. McDERMOTT, Mr. BAIRD, and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**  
4                               **UNITED STATES CODE.**

5               (a) SHORT TITLE.—This Act may be cited as the  
6       “Pipeline Safety Enhancement Act of 2001”.

1 (b) AMENDMENT OF TITLE 49, UNITED STATES  
2 CODE.—Except as otherwise expressly provided, whenever  
3 in this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or a repeal of, a section or other  
5 provision, the reference shall be considered to be made to  
6 a section or other provision of title 49, United States  
7 Code.

8 **SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL REC-**  
9 **COMMENDATIONS.**

10 (a) IN GENERAL.—Except as otherwise required by  
11 this Act, the Secretary of Transportation shall implement  
12 the safety improvement recommendations provided in the  
13 Department of Transportation Inspector General’s Report  
14 (RT–2000–069).

15 (b) REPORTS BY THE SECRETARY.—Not later than  
16 90 days after the date of enactment of this Act, and every  
17 90 days thereafter until each of the recommendations re-  
18 ferred to in subsection (a) has been implemented, the Sec-  
19 retary shall transmit to the Committee on Commerce,  
20 Science, and Transportation of the Senate and the Com-  
21 mittee on Transportation and Infrastructure of the House  
22 of Representatives a report on the specific actions taken  
23 to implement such recommendations.

24 (c) REPORTS BY THE INSPECTOR GENERAL.—The  
25 Inspector General of the Department of Transportation

1 shall periodically transmit to the Committees referred to  
2 in subsection (b) a report assessing the Secretary's  
3 progress in implementing the recommendations referred to  
4 in subsection (a) and identifying options for the Secretary  
5 to consider in accelerating the implementation of the rec-  
6 ommendations.

7 **SEC. 3. NTSB SAFETY RECOMMENDATIONS.**

8 (a) IN GENERAL.—The Secretary of Transportation,  
9 the Administrator of the Research and Special Programs  
10 Administration of the Department of Transportation, and  
11 the Associate Administrator for Pipeline Safety of the Re-  
12 search and Special Programs Administration shall fully  
13 comply with section 1135 of title 49, United States Code,  
14 to ensure timely responsiveness to recommendations that  
15 are made about pipeline safety by the National Transpor-  
16 tation Safety Board.

17 (b) PUBLIC AVAILABILITY.—Subsection (c) of section  
18 1135 of title 49, United States Code, is amended—

19 (1) by inserting “(1)” after “(c) PUBLIC AVAIL-  
20 ABILITY.—”; and

21 (2) by adding at the end the following:

22 “(2) The Secretary, the Administrator of the Re-  
23 search and Special Programs Administration of the De-  
24 partment of Transportation, or the Associate Adminis-  
25 trator for Pipeline Safety of the Research and Special Pro-

grams Administration shall separately make available to the public a copy of each response made by that official to a recommendation under this section, together with a copy of the recommendation.”.

(c) ANNUAL REPORT TO CONGRESS.—Subsection (d) of such section is amended by striking “a copy of the Secretary’s response to each recommendation” and inserting “a copy of each response to each such recommendation by the Secretary, the Administrator of the Research and Special Programs Administration of the Department of Transportation, or the Associate Administrator for Pipeline Safety of the Research and Special Programs Administration”.

#### SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) PERSONNEL QUALIFICATION PROGRAMS.—

(1) REQUIREMENT FOR PROGRAMS.—Chapter 601 is amended by adding at the end the following:

##### “§ 60129. Pipeline personnel qualification programs

“(a) QUALIFICATION PROGRAMS.—

“(1) REQUIREMENT FOR PROGRAMS.—Under regulations prescribed by the Secretary, each operator of a pipeline facility shall make available to the Secretary, or, in the case of an intrastate pipeline facility operator, to the appropriate State regulatory agency, a program that is designed to enhance the

1 qualifications of the pipeline personnel of that oper-  
2 ator and to reduce the likelihood of accidents and in-  
3 juries. After submittal of the program, the operator  
4 shall revise or update the program when appropriate  
5 to ensure the current validity of the program.

6 “(2) CONTENT.—The program shall include, at  
7 a minimum, criteria for the demonstration of the  
8 ability of an individual to safely and properly per-  
9 form tasks to which the standards prescribed under  
10 section 60102 apply. The program shall also provide  
11 for training and periodic reexamination of pipeline  
12 personnel and for requalification of those personnel  
13 as appropriate, including qualification for inspecting  
14 the structural integrity of cable-suspension pipeline  
15 bridges.

16 “(3) REVIEW OF PROGRAMS.—

17 “(A) IN GENERAL.—The Secretary or a  
18 State authority responsible for enforcing stand-  
19 ards prescribed under this chapter shall review  
20 the qualification program of the operator and  
21 record the results of that review for use in the  
22 next review of the operator’s program.

23 “(B) CONTEXT OF REVIEW.—The Sec-  
24 retary or State authority may conduct a review

1 under subparagraph (A) as an element of its  
2 inspection of an operator.

3 “(C) INADEQUATE PROGRAMS.—If the Sec-  
4 retary or a State authority determines that a  
5 qualification program is inadequate for the safe  
6 operation of a pipeline facility, the Secretary or  
7 State authority shall act under section  
8 60108(a)(2) to require the operator to revise  
9 the qualification program.

10 “(4) AMENDMENTS TO PROGRAMS.—In order to  
11 facilitate reviews under this subsection, an operator  
12 shall notify the Secretary or State authority, as ap-  
13 propriate, of any amendment made to the operator’s  
14 qualification program not later than 30 days after  
15 the date of adoption of the amendment.

16 “(5) WAIVERS AND MODIFICATIONS.—In ac-  
17 cordance with section 60118(c), the Secretary may  
18 waive or modify any requirement of this section.

19 “(b) STANDARDS.—

20 “(1) IN GENERAL.—The Secretary may estab-  
21 lish minimum standards for pipeline personnel train-  
22 ing and evaluation, which may include written exam-  
23 ination, oral examination, work performance history  
24 review, observation of job performance, on the job  
25 training, simulations, or other forms of assessment.

1           “(2) LIMITATION.—If the Secretary establishes  
2           observation of job performance as a standard for the  
3           evaluation of qualifications, no such evaluation may  
4           be based solely on that standard.”.

5           (2) CLERICAL AMENDMENT.—The table of sec-  
6           tions at the beginning of chapter 601 is amended by  
7           adding at the end the following:

“60129. Pipeline personnel qualification programs.”.

8           (b) TIME FOR INITIAL SUBMITTAL.—Each entity op-  
9           erating a pipeline facility (within the meaning of section  
10          60101(18) of title 49, United States Code, shall first sub-  
11          mit a personnel qualification program under section 60129  
12          of such title (as added by subsection (a)) not later than  
13          December 31, 2002.

14          (c) REPORT TO CONGRESS.—

15               (1) IN GENERAL.—The Secretary of Transpor-  
16               tation shall submit to Congress a report evaluating  
17               the effectiveness of the qualification and training ef-  
18               forts operators of pipeline facilities.

19               (2) CONTENT.—The report shall include the  
20               following:

21                       (A) Actions taken by inspectors.

22                       (B) Recommendations made by inspectors  
23               for changes to operator qualification and train-  
24               ing programs.

1 (C) Industry responses to those actions  
2 and recommendations.

3 (D) Responses of employees of the opera-  
4 tors to those actions and recommendations.

5 (3) CRITERIA.—The Secretary may establish  
6 criteria for use in evaluating and reporting on oper-  
7 ator qualification and training for purposes of this  
8 subsection.

9 (4) TIME FOR REPORT.—The Secretary shall  
10 submit the report required by paragraph (1) to Con-  
11 gress not later than three years after the date of the  
12 enactment of this Act.

13 **SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.**

14 (a) PROGRAM REQUIRED.—Section 60109 is amend-  
15 ed by adding at the end the following new subsection:

16 “(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT  
17 PROGRAMS.—

18 “(1) REQUIREMENT FOR OPERATOR PRO-  
19 GRAMS.—Each operator of a gas transmission or  
20 hazardous liquid pipeline facility shall conduct an  
21 analysis of the risks to each facility of the operator  
22 in an area identified pursuant to subsection (a)(1)  
23 and shall adopt and implement a written integrity  
24 management program for such facility to reduce the  
25 risks.



1           “(2) REQUIRED ELEMENTS OF INTEGRITY MAN-  
2           AGEMENT PROGRAMS.—An integrity management  
3           program adopted by an operator of a facility in an  
4           area identified pursuant to subsection (a)(1) shall  
5           include, at a minimum, the following:

6                   “(A) Provision for periodic inspection of  
7                   the facility, by internal inspection device, pres-  
8                   sure testing, direct assessment, or an alter-  
9                   native method that would provide an equal or  
10                  greater level of safety, including a specification  
11                  of—

12                           “(i) the types of inspections;

13                           “(ii) the frequency of the inspections,  
14                           which shall not be less frequent than once  
15                           every five years; and

16                           “(iii) the manner in which the inspec-  
17                           tions or testing are to be conducted.

18                   “(B) Clearly defined criteria for evaluating  
19                  the results of—

20                           “(i) inspections conducted under sub-  
21                           paragraph (A); and

22                           “(ii) any testing done in the inspec-  
23                           tion or as any other part of the integrity  
24                           management program.

1           “(C) Procedures for ensuring that prob-  
2           lems identified in such inspections or other test-  
3           ing are corrected in a timely manner.

4           “(D) A description of measures to prevent  
5           and mitigate the consequences of unintended  
6           releases from the facility, such as leak detec-  
7           tion, integrity evaluation, emergency flow re-  
8           stricting devices, and other prevention, detec-  
9           tion, and mitigation measures.

10           “(E) The types of information sources that  
11           must be integrated in assessing the integrity of  
12           the pipeline facility as well as the manner of in-  
13           tegration.

14           “(F) The nature and timing of actions se-  
15           lected to address the integrity of the pipeline  
16           facility.

17           “(G) Any other factors that are appro-  
18           priate for—

19                   “(i) ensuring that the integrity of the  
20                   pipeline facility is addressed; or

21                   “(ii) providing appropriate mitigative  
22                   measures for protecting areas identified  
23                   under subsection (a)(1).

24           “(3) SYSTEMS TO MONITOR PRESSURE AND DE-  
25           TECT LEAKS; USE OF EMERGENCY FLOW RESTRICT-

1       ING DEVICES.—The operator of a pipeline facility  
2       may also provide in an integrity management pro-  
3       gram under paragraph (1) for the following:

4               “(A) Changes to valves or the establish-  
5       ment or modification of systems that monitor  
6       pressure and detect leaks based on the opera-  
7       tor’s risk analysis.

8               “(B) The use of emergency flow restricting  
9       devices.

10       “(4) INCREASED FREQUENCY OF INSPEC-  
11       TIONS.—

12               “(A) CONSIDERATIONS.—In determining  
13       whether to require inspection of a facility more  
14       frequently than once every five years, an oper-  
15       ator shall take into account, as appropriate, the  
16       following:

17               “(i) The potential for development of  
18       new defects in the facility.

19               “(ii) The operational characteristics of  
20       the facility, including age, operating pres-  
21       sure, block valve location, corrosion his-  
22       tory, spill history, and any known defi-  
23       ciencies in the method of pipeline construc-  
24       tion or installation.

1                   “(iii) The possible growth of new and  
2                   existing defects.

3                   “(B) OUTSIDE FORCE DAMAGE.—For pur-  
4                   poses of subparagraph (A)(i), in considering the  
5                   potential for development of new defects in a  
6                   pipeline facility from damage by an outside  
7                   force, an operator shall consider information  
8                   available about current or planned excavation  
9                   activities and the effectiveness of damage pre-  
10                  vention programs in the area.

11                  “(5) STANDARDS FOR MINIMUM LEVEL OF PRO-  
12                  TECTION.—An operator of a pipeline facility that is  
13                  required to implement an integrity management pro-  
14                  gram under paragraph (1) shall—

15                  “(A) adopt standards under this subsection  
16                  that provide a minimum level of protection for  
17                  the operator’s facilities in areas identified pur-  
18                  suant to subsection (a)(1) that is at least equiv-  
19                  alent to the applicable level of protection estab-  
20                  lished by national consensus standards organi-  
21                  zations; and

22                  “(B) implement pressure testing and other  
23                  integrity management techniques in a manner  
24                  that minimizes environmental or safety risks,  
25                  such as by use of water for pressure testing.

1           “(6) AUTHORITY AND RESPONSIBILITY OF SEC-  
2       RETARY.—

3           “(A) STANDARDS.—

4               “(i) AUTHORITY.—The Secretary may  
5       prescribe standards to direct an operator’s  
6       conduct of a risk analysis and adoption  
7       and implementation of an integrity man-  
8       agement program under paragraph (1).

9               “(ii) INACTION BY SECRETARY.—The  
10      responsibility of an operator of a pipeline  
11      facility to conduct a risk analysis or adopt  
12      or implement an integrity management  
13      program under paragraph (1) shall not be  
14      affected by any failure of the Secretary to  
15      prescribe standards under this subpara-  
16      graph.

17           “(B) REVIEW OF INTEGRITY MANAGEMENT  
18      PROGRAMS.—

19               “(i) TRANSMITTAL TO SECRETARY.—  
20      Each operator of a pipeline facility shall  
21      transmit to the Secretary a detailed de-  
22      scription of the operator’s integrity man-  
23      agement program in writing.

24               “(ii) AUTHORITY TO REVIEW.—The  
25      Secretary shall review the risk analysis and

1 integrity management program and record  
2 the results of that review for use in the  
3 next review of the operator's program.

4 “(iii) CONTEXT OF REVIEW.—The  
5 Secretary may conduct a review under  
6 clause (ii) as an element of the Secretary's  
7 inspection of the operator.

8 “(iv) INADEQUATE PROGRAMS.—If the  
9 Secretary determines that an operator's  
10 risk analysis or integrity management pro-  
11 gram is inadequate for the safe operation  
12 of a pipeline facility, the Secretary shall  
13 act under section 60108(a)(2) to require  
14 the operator to revise the risk analysis or  
15 integrity management program.

16 “(v) AMENDMENTS TO PROGRAMS.—  
17 In order to facilitate reviews under this  
18 subparagraph, an operator of a pipeline fa-  
19 cility shall notify the Secretary of any  
20 amendment made to the operator's integ-  
21 rity management program not later than  
22 30 days after the date of the adoption of  
23 the amendment.

24 “(vi) TRANSMITTAL OF PROGRAMS TO  
25 STATE AUTHORITIES.—The Secretary shall

1 provide a copy of a risk analysis and integ-  
2 rity management program reviewed by the  
3 Secretary under this subparagraph to any  
4 appropriate State authority with which the  
5 Secretary has entered into an agreement  
6 under section 60106.

7 “(7) STATE REVIEW OF INTEGRITY MANAGE-  
8 MENT PLANS.—A State authority that enters into an  
9 agreement pursuant to section 60106, permitting the  
10 State authority to review the risk analysis and writ-  
11 ten program, may provide the Secretary with a writ-  
12 ten assessment of the risk analysis and integrity  
13 management program, make recommendations, as  
14 appropriate, to address safety concerns not ade-  
15 quately addressed by the operator’s risk analysis or  
16 integrity management program, and submit docu-  
17 mentation explaining the State-proposed revisions.  
18 The Secretary shall carefully consider the State’s  
19 proposals and work in consultation with the States  
20 and operators to address safety concerns.

21 “(8) OPPORTUNITY FOR LOCAL INPUT ON IN-  
22 TEGRITY MANAGEMENT.—The Secretary shall, by  
23 regulation, establish a process for raising and ad-  
24 dressing local safety concerns about pipeline integ-

1 rity and operators' pipeline integrity programs. The  
2 process shall include the following:

3 “(A) A requirement that an operator of a  
4 hazardous liquid pipeline or an operator of a  
5 pipeline facility for the transmission of natural  
6 gas, as the case may be, provide information  
7 about the operator's risk analysis and integrity  
8 management program required under this sec-  
9 tion to local officials in the State in which the  
10 facility is located.

11 “(B) An identification of the local officials  
12 who are required to be informed, the informa-  
13 tion that is to be provided to them, and the  
14 manner (which may include traditional or elec-  
15 tronic means) in which it is to be provided.

16 “(C) The means for receiving input from  
17 the local officials, which may include a public  
18 forum sponsored by the Secretary or by the  
19 State or the submission of written comments  
20 through traditional or electronic means.

21 “(D) The extent to which an operator  
22 must participate in a public forum sponsored by  
23 the Secretary or in another means for receiving  
24 input from the local officials or in the evalua-  
25 tion of that input.



1           “(E) The manner in which the Secretary  
2           will notify the local officials about how their  
3           concerns are being addressed.

4           “(9) BASELINE INTEGRITY ASSESSMENT.—An  
5           operator of a pipeline facility that is required to im-  
6           plement an integrity management program under  
7           paragraph (1) shall complete a baseline integrity as-  
8           sessment of each of the operator’s facilities in areas  
9           identified pursuant to subsection (a)(1).”.

10          (b) IMPLEMENTATION.—

11           (1) RISK ANALYSES AND INTEGRITY MANAGE-  
12           MENT PROGRAMS.—The initial risk analyses and in-  
13           tegrity management programs required under sec-  
14           tion 60109(c)(1) of title 49, United States Code (as  
15           added by subsection (a) of this section), shall be  
16           completed not later than one year after the date of  
17           enactment of this Act.

18           (2) BASELINE INTEGRITY ASSESSMENTS.—The  
19           initial baseline integrity assessment of the pipeline  
20           facility of each operator required under section  
21           60109(c)(9) of title 49, United States Code (as  
22           added by subsection (a) of this section), shall be  
23           completed not later than five years after the date of  
24           the enactment of this Act.

25           (3) REVIEW.—

1           (A) REQUIREMENT FOR REVIEW.—Not  
2           later than 2 years after all integrity manage-  
3           ment programs required to be submitted within  
4           the time specified in paragraph (1)(A) have  
5           been received by the Secretary of Transpor-  
6           tation, the Secretary shall complete an assess-  
7           ment and evaluation of the effects on safety  
8           and the environment of expanding the applica-  
9           bility of the requirements under section  
10          60109(c) of title 49, United States Code (as  
11          added by subsection (a) of this section), to  
12          cover additional areas.

13          (B) SUBMITTAL TO CONGRESS.—The Sec-  
14          retary shall submit to Congress the Secretary's  
15          assessment and evaluation together with any  
16          recommendations for improving and expanding  
17          the utilization of integrity management pro-  
18          grams under that subsection.

19          (4) OPPORTUNITY FOR LOCAL INPUT ON INTEG-  
20          RITY MANAGEMENT.—The Secretary shall issue the  
21          regulations required under section 60109(c)(8) of  
22          title 49, United States Code (as added by subsection  
23          (a) of this section), not later than 18 months after  
24          the date of the enactment of this Act.

1 **SEC. 6. HAZARDOUS PIPELINE FACILITIES.**

2 Section 60112 is amended—

3 (1) by striking subsection (a) and inserting the  
4 following:

5 “(a) GENERAL AUTHORITY.—After notice and an op-  
6 portunity for a hearing, the Secretary may decide that a  
7 pipeline facility is hazardous if the Secretary decides  
8 that—

9 “(1) operation of the facility is or would be haz-  
10 ardous to life, property, or the environment; or

11 “(2) the facility is or would be constructed or  
12 operated, or a component of the facility is or would  
13 be constructed or operated, with equipment, mate-  
14 rial, or a technique that the Secretary decides is  
15 hazardous to life, property, or the environment.”;  
16 and

17 (2) in subsection (d) by striking “is haz-  
18 ardous,” and inserting “is, or would be, hazardous,”.

19 **SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS,**  
20 **AND COMMUNITY RIGHT TO KNOW.**

21 (a) REQUIREMENTS.—

22 (1) PROGRAM REQUIREMENTS.—

23 (A) IN GENERAL.—Section 60116 is  
24 amended to read as follows:

1 **“§ 60116. Public education, emergency preparedness,**  
2 **and community right to know**

3 “(a) PUBLIC EDUCATION PROGRAMS.—

4 “(1) REQUIREMENT FOR PROGRAMS.—

5 “(A) IN GENERAL.—Each owner or oper-  
6 ator of a pipeline facility shall carry out a con-  
7 tinuing program to educate the public about its  
8 facility.

9 “(B) CONTENT.—

10 “(i) INFORMATION.—The program  
11 shall include information on the use of a  
12 one-call system for advance notification of  
13 an excavation and for other damage pre-  
14 vention actions, the possible hazards asso-  
15 ciated with unintended releases from the  
16 pipeline facility, the physical indications  
17 that such a release may have occurred, the  
18 steps that should be taken for public safety  
19 in the event of a pipeline release, and how  
20 to report such an event.

21 “(ii) OTHER ACTIVITIES.—The public  
22 education program shall also include activi-  
23 ties to advise affected municipalities,  
24 school districts, businesses, and residents  
25 of pipeline facility locations.

1           “(2) PERIODIC REVIEW.—The Secretary or the  
2           appropriate State agency shall periodically review  
3           the public education program of each owner or oper-  
4           ator of a pipeline facility.

5           “(3) PROGRAM ELEMENTS, STANDARDS, AND  
6           MATERIALS.—The Secretary may prescribe the ele-  
7           ments of an effective public education program and  
8           standards for assessing the effectiveness of the pro-  
9           gram. The Secretary may also develop materials for  
10          use in the program.

11          “(4) TECHNICAL ASSISTANCE.—The Secretary  
12          may provide technical assistance on public safety  
13          and public education programming regarding pipe-  
14          line safety as follows:

15               “(A) TO PIPELINE INDUSTRY.—To the  
16               pipeline industry, technical assistance on—

17                       “(i) developing public safety and pub-  
18                       lic education program content; and

19                       “(ii) using best practices for program  
20                       delivery and on evaluating the effectiveness  
21                       of the programs.

22               “(B) TO STATE AND LOCAL OFFICIALS.—  
23               To State and local officials, technical assistance  
24               on applying practices developed in the public

1 safety and public education programs to their  
2 activities to promote pipeline safety.

3 “(b) EMERGENCY PREPAREDNESS.—

4 “(1) OPERATOR LIAISON.—Each operator of a  
5 pipeline facility shall maintain liaison with the State  
6 emergency response commissions, and local emer-  
7 gency planning committees in the areas of pipeline  
8 rights-of-way established under section 301 of the  
9 Emergency Planning and Community Right-To-  
10 Know Act of 1986 (42 U.S.C. 11001) in each State  
11 in which it operates.

12 “(2) INFORMATION.—

13 “(A) IN GENERAL.—Each such operator  
14 shall, upon request, make available to the State  
15 emergency response commissions and local  
16 emergency planning committees, and shall make  
17 available to the Office of Pipeline Safety for the  
18 purpose of providing the information to the  
19 public, the information described in section  
20 60102(d), the operator’s program for integrity  
21 management under section 60109(c), and infor-  
22 mation on the implementation of that program.

23 “(B) FORMATS.—An operator of a pipeline  
24 facility shall make the information available  
25 under this paragraph in a standardized format

1 and in a format that is integrated into a com-  
2 mercial off-the-shelf in-vehicle portable com-  
3 puter global positioning system navigation map-  
4 ping software used in first responder vehicles  
5 equipped with portable computers and respond-  
6 ing to pipeline spills.

7 “(C) DESIGNATION OF REGIONAL EMER-  
8 GENCY TRANSPORTATION COORDINATORS.—

9 “(i) REQUIREMENT.—The Secretary  
10 shall designate for the purposes of this  
11 paragraph the Regional Emergency Trans-  
12 portation Coordinator with the responsi-  
13 bility for defining the in-vehicle navigation  
14 mapping standards and contracting the  
15 outsource mapping vendor, which can pro-  
16 vide the most cost effective first responder  
17 mapping tool, for coordinated emergency  
18 responses, in the geographic area.

19 “(ii) FINANCIAL ASSISTANCE.—The  
20 Secretary may, by grant, provide a Re-  
21 gional Emergency Transportation Coordi-  
22 nator designated under clause (i) with fi-  
23 nancial assistance for carrying out the re-  
24 sponsibility imposed under that clause.

“(D) ADDITIONAL REQUIRED CONTENT.—

The operator shall ensure that the information described in section 60102(d) that is made available about the pipeline facility under this paragraph includes, at a minimum the following information:

“(i) An emergency telephone number that provides effective communication with the operator at any time during the 24 hours of each day.

“(ii) In the description of the pipeline facility, information on the pipe diameter, the product or products carried, and the operating pressure.

“(iii) In the maps showing the locations of the pipeline facility, any high consequence areas which the pipeline facility traverses or adjoins and abuts.

“(iv) A summary description of the integrity measures the operator uses to assure safety and protection for the environment.

“(v) A point of contact to respond to any questions from an emergency response representative.



1           “(3) SMALLER COMMUNITIES.—For a commu-  
2           nity without a local emergency planning committee,  
3           the operator shall maintain liaison with the local  
4           firefighting, police, and other emergency response  
5           agencies.

6           “(4) PUBLIC ACCESS.—The Secretary shall pre-  
7           scribe requirements for appropriate public access to  
8           the information made available under this sub-  
9           section, including a requirement that the informa-  
10          tion be made available to the public by widely acces-  
11          sible computerized database.

12          “(c) COMMUNITY RIGHT TO KNOW.—

13               “(1) MAPS PROVIDED BY OWNERS AND OPERA-  
14               TORS.—Not later than 12 months after the date of  
15               enactment of this subsection and annually there-  
16               after, each owner or operator of a pipeline facility  
17               shall provide to the governing body of each munici-  
18               pality in which the pipeline facility is located, a map  
19               identifying the location of such facility. The map  
20               may be provided in electronic form.

21               “(2) WAIVER OF REQUIREMENT IN PARTICULAR  
22               CASES OF GAS PIPELINE FACILITIES.—

23                       “(A) AUTHORITY.—Under procedures pre-  
24                       scribed by the Secretary, the Secretary may  
25                       waive the applicability of paragraph (1) with re-

1 spect to any part of a gas pipeline facility for  
2 the transporting of natural gas for which the  
3 Secretary determines that compliance with that  
4 paragraph is not practicable.

5 “(B) INAPPLICABILITY TO LIQUID NAT-  
6 URAL GAS.—A waiver may not be granted  
7 under subparagraph (A) for any part of a pipe-  
8 line facility for the transporting of liquid nat-  
9 ural gas.

10 “(3) ANNUAL PIPELINE SEGMENT REPORTS.—

11 “(A) IN GENERAL.—Not later than 6  
12 months after the date of enactment of this sub-  
13 section and annually thereafter, each owner or  
14 operator of a pipeline facility shall submit to  
15 the Secretary a report on pipeline segments of  
16 the facility in accordance with this subsection.

17 “(B) CONTENT OF REPORTS.—A pipeline  
18 segment report of an owner or operator of a fa-  
19 cility shall include, at a minimum, the following  
20 information for each pipeline segment of the fa-  
21 cility:

22 “(i) The business name, address, and  
23 telephone number of the owner or oper-  
24 ator.

1           “(ii) A summary description of the  
2 pipeline system containing the segment, in-  
3 cluding a general system map and a de-  
4 scription of any product the pipeline trans-  
5 ports, the length of the system, and origin  
6 and termination points.

7           “(iii) State and local emergency re-  
8 sponse liaison information.

9           “(iv) A description of periodic testing  
10 methods used on the segment and the fre-  
11 quency of such testing.

12           “(v) A summary of the results of peri-  
13 odic testing of the segment, including any  
14 defects detected and actions taken to ad-  
15 dress the defects.

16           “(vi) A description of the leak detec-  
17 tion system in use on the segment and its  
18 sensitivity.

19           “(vii) A 5-year incident history for the  
20 segment.

21           “(viii) An inspection and enforcement  
22 history for the segment.

23           “(ix) If applicable, a summary of in-  
24 tegrity management program actions re-  
25 lated to the segment.

1           “(4) AUTHORITY FOR FLEXIBILITY IN CASES  
2 INVOLVING SECURITY RISKS.—The Secretary may  
3 modify or waive any requirement for certain infor-  
4 mation to be included in a report under paragraph  
5 (2) if the Secretary determines that the inclusion of  
6 such information would pose a risk to the security  
7 of a pipeline system.

8           “(5) PIPELINE SEGMENT DEFINED.—In this  
9 subsection, the term ‘pipeline segment’ means—

10               “(A) with respect to a gas transmission  
11 pipeline facility, the length of pipeline between  
12 the origin and the first compressor station, be-  
13 tween intermittent compressor stations, and be-  
14 tween the final compressor station and the ter-  
15 mination point; and

16               “(B) with respect to a hazardous liquid  
17 pipeline facility, the length of pipeline between  
18 the origin and the first pumping station, be-  
19 tween intermittent pumping stations, and be-  
20 tween the final pumping station and the termi-  
21 nation point.

22           “(d) EMERGENCY RESPONSE GRANTS.—The Sec-  
23 retary shall establish a program for making grants to  
24 State, county, and local governments in high consequence

1 areas (as designated by the Secretary) for emergency re-  
2 sponse management, training, and technical assistance.

3 “(e) PUBLIC AVAILABILITY OF REPORTS.—The Sec-  
4 retary shall—

5 “(1) make available to the public—

6 “(A) a safety-related condition report filed  
7 by an operator under section 60102(h);

8 “(B) a report of a pipeline incident filed by  
9 an operator;

10 “(C) the results of any inspection by the  
11 Office of Pipeline Safety or a State regulatory  
12 official;

13 “(D) a description of any corrective action  
14 taken in response to a safety-related condition  
15 made available under subparagraph (A), (B), or  
16 (C); and

17 “(E) through the consolidated computer  
18 database of the Secretary, each pipeline seg-  
19 ment report submitted under subsection (d);  
20 and

21 “(2) prescribe requirements for appropriate  
22 public access to integrity management program in-  
23 formation prepared under this chapter, including re-  
24 quirements that will ensure data accessibility to the  
25 greatest extent feasible.

1       “(f) EFFECT ON EMERGENCY RESPONDERS AND  
 2 EMERGENCY PLANNING COMMITTEE.—Nothing in this  
 3 section shall be construed to impose a new duty on State  
 4 or local emergency responders or local emergency planning  
 5 committees.”.

6                   (B) CLERICAL AMENDMENT.—The item re-  
 7 lating to such section in the table of sections at  
 8 the beginning of chapter 601 is amended to  
 9 read as follows:

“60116. Public education, emergency preparedness, and community right to  
 know.”.

10           (2) SAFETY CONDITION REPORTS.—Section  
 11 60102(h)(2) is amended by striking “State authori-  
 12 ties” in the second sentence and inserting “State of-  
 13 ficials, including the local emergency responders.”.

14       (b) REVIEW OF PUBLIC EDUCATION PROGRAMS.—

15           (1) REVIEW REQUIRED.—Not later than one  
 16 year after the date of the enactment of this Act,  
 17 each owner or operator of a pipeline facility shall re-  
 18 view its existing public education program to deter-  
 19 mine the effectiveness of the program and shall mod-  
 20 ify the program as necessary to improve the effec-  
 21 tiveness of the program and to comply with the re-  
 22 quirements of section 60116 of title 49, United  
 23 States Code, as amended by subsection (a).

1           (2) SUBMITTAL TO SECRETARY.—Upon com-  
2           pleting the review and any modification of the pro-  
3           gram resulting from the review, the owner or oper-  
4           ator, as the case may be, shall submit a detailed de-  
5           scription of the program to the Secretary of Trans-  
6           portation or, in the case of an intrastate pipeline fa-  
7           cility, to the appropriate State agency.

8           (c)       TIME       FOR       IMPLEMENTATION       OF  
9   REQUIREMENTS—

10           (1) OPERATOR LIAISON.—Each operator of a  
11           pipeline facility shall have the emergency response li-  
12           aison required under subsection (b) of section 60116  
13           of title 49, United States Code (as amended by sub-  
14           section (a)), in place not later than one year after  
15           the date of the enactment of this Act.

16           (2) COMMUNITY RIGHT TO KNOW.—Each owner  
17           or operator of a pipeline facility shall ensure that  
18           the governing body of each municipality in which the  
19           pipeline facility is located has a map that identifies  
20           the location of such facility and otherwise is in com-  
21           pliance with subsection (c) of section 60116 of title  
22           49, United States Code (as amended by subsection  
23           (a)), not later than one year after the date of the  
24           enactment of this Act.

1 (3) INITIAL PIPELINE SEGMENT REPORTS.—

2 Each owner or operator of a pipeline facility shall  
 3 submit its initial pipeline segment report to the Sec-  
 4 retary of Transportation under subsection (d) of sec-  
 5 tion 60116 of title 49, United States Code (as  
 6 amended by subsection (a)), not later than six  
 7 months after the date of the enactment of this Act.

8 **SEC. 8. PENALTIES.**

9 (a) CIVIL PENALTIES.—Section 60122 is amended—

10 (1) in subsection (a)(1)—

11 (A) by striking “\$25,000” in the first sen-  
 12 tence and inserting “\$500,000”;

13 (B) by striking “\$500,000” in the third  
 14 sentence and inserting “\$1,000,000”; and

15 (C) by adding at the end the following:

16 “The preceding sentence does not apply to judi-  
 17 cial enforcement action under section 60120 or  
 18 60121.”;

19 (2) by adding at the end of subsection (a) the  
 20 following:

21 “(3) DISCHARGES FROM HAZARDOUS LIQUID  
 22 PIPELINES.—A person who is the owner, operator,  
 23 or person in charge of a hazardous liquid pipeline fa-  
 24 cility from which a hazardous liquid is discharged is  
 25 liable to the Government for a civil penalty of at



1       least \$1,000 per barrel of oil or other hazardous liq-  
2       uid discharged, except that a person may not be lia-  
3       ble for a civil penalty under this subsection for a dis-  
4       charge if the person has been assessed a civil penalty  
5       under section 309 or 311(b) of the Federal Water  
6       Pollution Control Act (33 U.S.C. 1319; 1321(b)) for  
7       the discharge. A person may be liable for a civil pen-  
8       alty under this paragraph and paragraph (1) with  
9       respect to the same discharge.”; and

10           (3) by striking subsection (b) and inserting the  
11       following:

12       “(b) PENALTY CONSIDERATIONS.—In determining  
13       the amount of a civil penalty under this section—

14           “(1) the Secretary shall consider—

15               “(A) the nature, circumstances, and grav-  
16               ity of the violation, including any adverse im-  
17               pact on the environment;

18               “(B) with respect to the violator, the de-  
19               gree of culpability, any history of prior viola-  
20               tions, the ability to pay, and any effect on abil-  
21               ity to continue doing business; and

22               “(C) good faith in attempting to comply;  
23               and

24           “(2) the Secretary may consider—

1                   “(A) the economic benefit gained from the  
2                   violation without any discount because of subse-  
3                   quent damages; and

4                   “(B) other matters that justice requires.”.

5           (b) EXCAVATOR DAMAGE.—Section 60123(d) is  
6 amended—

7           (1) in the matter preceding paragraph (1) by  
8           striking “knowingly and willfully”;

9           (2) in paragraph (1) by inserting “knowingly  
10           and willfully” before “engages”; and

11           (3) in paragraph (2) by striking subparagraph  
12           (B) and inserting the following:

13                   “(B) a pipeline facility, is aware of dam-  
14                   age, and does not report the damage promptly  
15                   to the operator of the pipeline facility and to  
16                   other appropriate authorities; or”.

17           (c) CIVIL ACTIONS.—Section 60120(a)(1) is amended  
18 to read as follows:

19           “(1) On the request of the Secretary of Transpor-  
20 tation, the Attorney General may bring a civil action in  
21 an appropriate district court of the United States to en-  
22 force section 60112 or any other provision of this chapter,  
23 a regulation prescribed under this chapter, or an order  
24 issued under this chapter. The court may award appro-  
25 priate relief, including a temporary or permanent injunc-

tion, punitive damages, and assessment of civil penalties considering the same factors as are prescribed for the Secretary for the administrative imposition of civil penalties under section 60122.”.

**SEC. 9. STATE OVERSIGHT ROLE.**

(a) STATE AGREEMENTS WITH CERTIFICATION.—  
Section 60106 is amended—

(1) in subsection (a) by striking “GENERAL AUTHORITY.—” and inserting “AGREEMENTS WITHOUT CERTIFICATION.—”;

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following:

“(b) AGREEMENTS WITH CERTIFICATION.—

“(1) IN GENERAL.—

“(A) AUTHORITY.—If the Secretary accepts a certification under section 60105 of this title and makes the determinations required under this subsection, the Secretary may enter into an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation.

“(B) STATE PLANS REQUIRED UNDER AGREEMENTS.—Each such agreement shall in-

1           clude a plan for the State authority to partici-  
2           pate in special investigations involving incidents  
3           or new construction and shall allow the State  
4           authority to participate in other activities over-  
5           seeing interstate pipeline transportation or to  
6           assume additional inspection or investigatory  
7           duties.

8           “(C) CITIZEN PARTICIPATION.—The Sec-  
9           retary or the State authority may provide for  
10          citizen participation with respect to entry into  
11          and implementation of an agreement under this  
12          paragraph.

13          “(D) RELATIONSHIP TO OTHER AUTHOR-  
14          ITY, REQUIREMENTS, AND RESTRICTIONS.—  
15          Nothing in this section modifies the limitation  
16          and prohibition in section 60104(c) or author-  
17          izes the Secretary to delegate the enforcement  
18          of safety standards prescribed under this chap-  
19          ter to a State authority.

20          “(2) DETERMINATIONS REQUIRED.—The Sec-  
21          retary may not enter into an agreement under this  
22          subsection unless the Secretary determines that—

23               “(A) the agreement allowing participation  
24               of the State authority is consistent with the  
25               Secretary’s program for inspection and con-

1           sistent with the safety policies and provisions  
2           provided under this chapter;

3           “(B) the interstate participation agreement  
4           would not adversely affect the oversight respon-  
5           sibilities of intrastate pipeline transportation by  
6           the State authority;

7           “(C) the State is carrying out a program  
8           demonstrated to promote preparedness and risk  
9           prevention activities that enable communities to  
10          live safely with pipelines;

11          “(D) the State meets the minimum stand-  
12          ards for State one-call notification set forth in  
13          chapter 61; and

14          “(E) the actions planned under the agree-  
15          ment would not impede interstate commerce or  
16          jeopardize public safety.”.

17          (b) TERMINATING AGREEMENTS.—Subsection (e) of  
18          such section, as redesignated by subsection (a)(2), is  
19          amended to read as follows:

20          “(e) TERMINATING AGREEMENTS.—

21                 “(1) PERMISSIVE TERMINATION.—The Sec-  
22          retary may terminate an agreement with a State au-  
23          thority under this section if the Secretary finds that  
24          the State authority has not complied with a provi-  
25          sion of the agreement.

1           “(2) MANDATORY TERMINATION OF AGREE-  
2           MENT.—The Secretary shall terminate an agreement  
3           with a State authority for participation in the over-  
4           sight of interstate pipeline transportation if the Sec-  
5           retary finds that—

6                   “(A) the implementation of the agreement  
7                   has resulted in a deficiency in the oversight re-  
8                   sponsibilities of intrastate pipeline transpor-  
9                   tation by the State authority;

10                   “(B) the State actions under the agree-  
11                   ment have failed to meet the requirements  
12                   under subsection (b); or

13                   “(C) continued participation by the State  
14                   authority in the oversight of interstate pipeline  
15                   transportation would not promote pipeline safe-  
16                   ty.

17           “(3) PROCEDURAL REQUIREMENTS.—

18                   “(A) NOTICE AND HEARING.—The Sec-  
19                   retary shall provide notice and an opportunity  
20                   for a hearing to a State authority before termi-  
21                   nating an agreement under this section.

22                   “(B) OPPORTUNITY FOR CORRECTIVE AC-  
23                   TION.—The Secretary may provide a State an  
24                   opportunity to correct any deficiencies before  
25                   terminating the agreement.

1                   “(C) PUBLICATION OF TERMINATION.—

2                   The finding and decision to terminate the  
3                   agreement shall be published in the Federal  
4                   Register and may not become effective for at  
5                   least 15 days after the date of the publication  
6                   unless the Secretary finds that continuation of  
7                   the agreement poses an imminent hazard.”.

8                   (c) SAVINGS PROVISION FOR EXISTING AGREEMENTS  
9                   WITH STATES.—

10                  (1) TEMPORARY CONTINUATION.—If requested  
11                  by a State authority that, on the date of the enact-  
12                  ment of this Act, has in effect an interstate agree-  
13                  ment to oversee interstate pipeline transportation  
14                  that was entered into after January 2000, the Sec-  
15                  retary of Transportation shall authorize the State  
16                  authority to oversee interstate pipeline transpor-  
17                  tation pursuant to the terms of that agreement until  
18                  the earlier of—

19                         (A) the date on which the Secretary deter-  
20                         mines that the State meets the requirements of  
21                         paragraph (2) of section 60106(b) of title 49,  
22                         United States Code (as added by subsection  
23                         (a)), and executes a new agreement under that  
24                         section; or

25                         (B) December 31, 2002.

1           (2) CONSTRUCTION.—Nothing in this sub-  
2           section shall prevent the Secretary, after providing  
3           the State authority with a notice, an opportunity for  
4           a hearing, and an opportunity to correct any alleged  
5           deficiencies, from terminating an agreement that  
6           was in effect before the date of the enactment of this  
7           Act if the Secretary determines that—

8                   (A) the State authority fails to comply  
9                   with the terms of the agreement;

10                   (B) the implementation of the agreement  
11                   has resulted in a deficiency in the performance  
12                   of oversight responsibilities of intrastate pipe-  
13                   line transportation by the State authority; or

14                   (C) continued participation by the State  
15                   authority in the oversight of interstate pipeline  
16                   transportation has had an adverse impact on  
17                   pipeline safety.

18 **SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.**

19           (a) IMPROVEMENT OF PIPELINE INCIDENT RE-  
20           PORTS.—

21                   (1) REQUIREMENT.—The Secretary of Trans-  
22                   portation shall make such revisions of the casual  
23                   categories on pipeline incident report forms as the  
24                   Secretary determines necessary to eliminate overlap-  
25                   ping and confusing categories and subcategories. In



1 making the revisions, the Secretary shall take into  
2 account the data collected under the plan developed  
3 under paragraph (2).

4 (2) DATA COLLECTION PLAN.—Not later than  
5 one year after the date of the enactment of this Act,  
6 the Secretary shall develop and implement a com-  
7 prehensive plan for collecting data on gas and haz-  
8 ardous liquid pipeline facilities and for using the  
9 data in making the revisions called for under para-  
10 graph (1). The plan shall provide for the perform-  
11 ance of sound incident trend analysis and evalua-  
12 tions of pipeline operator performance using normal-  
13 ized accident data.

14 (b) REPORTS OF RELEASES EXCEEDING 5 GAL-  
15 LONS.—Section 60117(b) is amended—

16 (1) by inserting “(1)” before “To”;

17 (2) by redesignating paragraphs (1) and (2) as  
18 subparagraphs (A) and (B), respectively;

19 (3) by inserting before the last sentence the fol-  
20 lowing:

21 “(2)(A) A person owning or operating a hazardous  
22 liquid pipeline facility regulated under this chapter shall  
23 report to the Secretary each release of more than five gal-  
24 lons of hazardous liquid, and each release of more than

1 five gallons of carbon dioxide, from the facility to the envi-  
 2 ronment while being transported through the facility.

3 “(B) A report under this paragraph shall include the  
 4 following:

5 “(i) The location of the release.

6 “(ii) Any fatalities or personal injuries.

7 “(iii) The type of product.

8 “(iv) The amount of product released.

9 “(v) The cause or causes of the release.

10 “(vi) The extent of any damage to property or  
 11 the environment.

12 “(vii) The response undertaken to clean up the  
 13 product released and the effects of the release.

14 “(3) During the course of an incident investigation,  
 15 a person owning or operating a pipeline facility shall make  
 16 records, reports, and information required under sub-  
 17 section (a) or other reasonably described records, reports,  
 18 and information relevant to the incident investigation,  
 19 available to the Secretary within the time limits prescribed  
 20 in a written request made by the Secretary.”; and

21 (4) by indenting the first word of the last sen-  
 22 tence and inserting “(4)” before “The Secretary” in  
 23 that sentence.

24 (c) REFERENCES TO PENALTY AUTHORITIES.—  
 25 Chapter 601 is amended—

1           (1) in section 60122(a)(1) by striking  
2       “60114(c)” and inserting “60117(b)(3)”; and  
3           (2) in section 60123(a) by striking “60114(c),”  
4       and inserting “60117(b)(3),”.

5       (d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—  
6       Section 60117 is amended by adding at the end the fol-  
7       lowing:

8       “(l) NATIONAL DEPOSITORY.—The Secretary shall  
9       establish a national depository of data on events and con-  
10      ditions, including spill histories and corrective actions for  
11      specific incidents, that can be used to evaluate the risk  
12      of, and to prevent, pipeline failures and releases. The Sec-  
13      retary shall administer the program through the Director  
14      of the Bureau of Transportation Statistics, in cooperation  
15      with the Administrator of the Research and Special Pro-  
16      grams Administration, and shall make such information  
17      available on the Internet and for use by State and local  
18      planning and emergency response authorities and the pub-  
19      lic.”.

20   **SEC. 11. RESEARCH AND DEVELOPMENT.**

21       (a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

22           (1) IN GENERAL.—The Secretary of Transpor-  
23      tation shall require that the research and develop-  
24      ment program of the Department of Transportation

1 include research that is directed toward the develop-  
2 ment of alternative technologies—

3 (A) to expand the capabilities of internal  
4 inspection devices to identify and accurately  
5 measure defects and anomalies;

6 (B) to inspect pipelines that cannot accom-  
7 modate internal inspection devices available on  
8 the date of the enactment of this Act;

9 (C) to develop innovative techniques meas-  
10 uring the structural integrity of pipelines;

11 (D) to improve the capability, reliability,  
12 and practicality of external leak detection de-  
13 vices; and

14 (E) to develop and improve alternative  
15 technologies to identify and monitor outside  
16 force damage to pipelines.

17 (2) COOPERATIVE AGREEMENTS.—The Sec-  
18 retary may participate in additional technological de-  
19 velopment under this subsection through cooperative  
20 agreements entered into with trade associations, aca-  
21 demic institutions, or other qualified organizations.

22 (b) PIPELINE SAFETY AND RELIABILITY RESEARCH  
23 AND DEVELOPMENT.—

24 (1) REQUIREMENT FOR PROGRAM.—The Sec-  
25 retary of Transportation, in coordination with the

1 Secretary of Energy, shall develop and implement an  
2 accelerated cooperative program of research and de-  
3 velopment to ensure the integrity of natural gas and  
4 hazardous liquid pipelines. The research and devel-  
5 opment program—

6 (A) shall include materials inspection tech-  
7 niques, risk assessment methodology, and infor-  
8 mation systems surety; and

9 (B) shall complement, and not replace, the  
10 research program of the Department of Energy  
11 addressing natural gas pipeline issues that is in  
12 place on the date of the enactment of this Act.

13 (2) PURPOSE.—The purpose of the cooperative  
14 research program shall be to promote pipeline safety  
15 research and development to—

16 (A) ensure long-term safety, reliability and  
17 service life for existing pipelines;

18 (B) expand capabilities of internal inspec-  
19 tion devices to identify and accurately measure  
20 defects and anomalies;

21 (C) develop inspection techniques for pipe-  
22 lines that cannot accommodate the internal in-  
23 spection devices available on the date of enact-  
24 ment;

1 (D) develop innovative techniques to meas-  
2 ure the structural integrity of pipelines to pre-  
3 vent pipeline failures;

4 (E) develop improved materials and coat-  
5 ings for use in pipelines;

6 (F) improve the capability, reliability, and  
7 practicality of external leak detection devices;

8 (G) identify underground environments  
9 that might lead to shortened service life;

10 (H) enhance safety in pipeline siting and  
11 land use;

12 (I) minimize the environmental impact of  
13 pipelines;

14 (J) demonstrate technologies that improve  
15 pipeline safety, reliability, and integrity;

16 (K) provide risk assessment tools for opti-  
17 mizing risk mitigation strategies; and

18 (L) provide highly secure information sys-  
19 tems for controlling the operation of pipelines.

20 (3) POTENTIAL AREAS FOR RESEARCH AND DE-  
21 VELOPMENT.—In carrying out this subsection, the  
22 Secretary of Transportation, in coordination with  
23 the Secretary of Energy, shall consider research and  
24 development on natural gas, crude oil, and other and  
25 petroleum product pipelines for—

1 (A) early crack, defect, and damage detec-  
2 tion, including real-time damage monitoring;

3 (B) automated internal pipeline inspection  
4 sensor systems;

5 (C) land use guidance and set-back man-  
6 agement along pipeline rights-of-way for com-  
7 munities;

8 (D) internal corrosion control;

9 (E) corrosion-resistant coatings;

10 (F) improved cathodic protection;

11 (G) inspection techniques where internal  
12 inspection is not feasible, including measure-  
13 ment of structural integrity;

14 (H) external leak detection, including port-  
15 able real-time video imaging technology, and  
16 the advancement of computerized control center  
17 leak detection systems utilizing real-time remote  
18 field data input;

19 (I) longer life, high strength, noncorrosive  
20 pipeline materials;

21 (J) assessment of the remaining strength  
22 of existing pipes;

23 (K) risk and reliability analysis models to  
24 be used to identify, on the basis of an analysis  
25 of data obtained from a pipeline performance

1 tracking initiative, safety improvements that  
2 could be realized in the near term;

3 (L) identification, monitoring (including  
4 monitoring by satellite surveillance), and pre-  
5 vention of outside force damage; and

6 (M) any other areas necessary for ensuring  
7 the public safety and protecting the environ-  
8 ment.

9 (4) POINTS OF CONTACT.—

10 (A) IN GENERAL.—To coordinate and im-  
11 plement the research and development pro-  
12 grams and activities authorized under this  
13 subsection—

14 (i) the Secretary of Transportation  
15 shall designate, as the point of contact for  
16 the Department of Transportation, an offi-  
17 cer of the Department of Transportation  
18 who has been appointed by the President,  
19 by and with the advice and consent of the  
20 Senate; and

21 (ii) the Secretary of Energy shall des-  
22 ignate, as the point of contact for the De-  
23 partment of Energy, an officer of the De-  
24 partment of Energy who has been ap-



pointed by the President, by and with the  
advice and consent of the Senate.

(B) DUTIES.—

(i) DUTY PRIMARILY OF DOT OFFICIAL.—The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraph (5).

(ii) JOINT DUTIES.—The points of contact designated under subparagraph (A) shall jointly assist in arranging cooperative agreements for research, development, and demonstration that involve their respective departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM  
PLAN.—

(A) REQUIREMENT FOR PLAN.—

(i) IN GENERAL.—Within 240 days after the date of the enactment of this Act, the Secretary of Transportation shall prepare and submit to Congress a 5-year pro-

1           gram plan to guide activities under this  
2           subsection.

3           (ii) COORDINATION AND CONSULTA-  
4           TION REQUIREMENTS.—In the preparation  
5           of the program plan, the Secretary shall  
6           coordinate with the Secretary of Energy  
7           and the Pipeline Integrity Technical Advi-  
8           sory Committee (established under section  
9           12) and shall consult with appropriate rep-  
10          resentatives of the natural gas, crude oil,  
11          and petroleum product pipeline industries  
12          to select and prioritize appropriate project  
13          proposals.

14          (iii) OTHER SOURCES OF ADVICE.—  
15          The Secretary may also seek the advice of  
16          representatives of utilities, manufacturers,  
17          institutions of higher education, Federal  
18          agencies, the pipeline research institutions,  
19          national laboratories, State pipeline safety  
20          authorities, environmental organizations,  
21          pipeline safety advocates, and professional  
22          and technical societies.

23          (B) IMPLEMENTATION OF PLAN.—

24          (i) PRIMARY RESPONSIBILITY.—The  
25          Secretary of Transportation shall have pri-

1           mary responsibility for ensuring that the  
2           5-year plan provided for in subparagraph  
3           (A) is implemented as intended.

4           (ii) AUTHORIZED FORMS OF AGREE-  
5           MENTS.—In carrying out the research, de-  
6           velopment, and demonstration activities  
7           under this subsection, the Secretary of  
8           Transportation and the Secretary of En-  
9           ergy may use, to the extent authorized  
10          under applicable provisions of law, con-  
11          tracts, cooperative agreements, cooperative  
12          research and development agreements  
13          under the Stevenson-Wydler Technology  
14          Innovation Act of 1980 (15 U.S.C. 3701 et  
15          seq.), grants, joint ventures, other trans-  
16          actions, and any other form of agreement  
17          available to the Secretary consistent with  
18          the recommendations of the Advisory Com-  
19          mittee.

20          (C) ANNUAL REPORT TO CONGRESS.—The  
21          Secretary of Transportation shall report to  
22          Congress annually as to the status and results  
23          of the implementation of the research and de-  
24          velopment program plan. The report shall in-  
25          clude a discussion of the activities of the De-

1           partment of Transportation, the Department of  
2           Energy, the national laboratories, universities,  
3           and any other research organizations, including  
4           industry research organizations.

5   **SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COM-**  
6                           **MITTEE.**

7           (a) ESTABLISHMENT.—The Secretary of Transpor-  
8   tation shall enter into appropriate arrangements with the  
9   National Academy of Sciences to establish and manage the  
10   Pipeline Integrity Technical Advisory Committee for the  
11   purpose of advising the Secretary of Transportation and  
12   the Secretary of Energy on the development and imple-  
13   mentation of the 5-year research, development, and dem-  
14   onstration program plan under section 11(b)(5). The Ad-  
15   visory Committee shall have an ongoing role in evaluating  
16   the progress and results of the research, development, and  
17   demonstration carried out under that section.

18          (b) MEMBERSHIP.—The National Academy of  
19   Sciences shall appoint the members of the Pipeline Integ-  
20   rity Technical Advisory Committee after consultation with  
21   the Secretary of Transportation and the Secretary of En-  
22   ergy. Members appointed to the Advisory Committee  
23   should have the qualifications necessary to provide tech-  
24   nical contributions for the work of the Advisory Com-  
25   mittee.

1 **SEC. 13. DAMAGE PREVENTION.**

2 (a) DEVELOPMENT OF STRATEGIC PLAN.—The Sec-  
3 retary of Transportation shall develop and implement a  
4 strategic plan to reduce, within four years after the date  
5 of enactment of this Act, the annual number of accidental  
6 releases from pipelines regulated under chapter 601 of  
7 title 49, United States Code, that are caused by damage  
8 by outside force by 25 percent below the number for the  
9 year in which this Act is enacted.

10 (b) CONTENT OF PLAN.—The strategic plan shall in-  
11 clude, at a minimum, a description of the efforts of the  
12 Secretary—

13 (1) to expand and improve public education ac-  
14 tivities to inform excavators, facility operators, em-  
15 ployees of State and local highway departments, and  
16 the public about the importance of preventing dam-  
17 age to pipelines and underground facilities and the  
18 importance of pipeline rights-of-way;

19 (2) to expand the Secretary's judicial and pros-  
20 ecutorial education activities and campaigns to in-  
21 crease awareness of the importance of preventing  
22 damage to pipelines and underground facilities;

23 (3) to advance technology to improve contact  
24 with one-call notification systems and to help mark  
25 and locate pipelines and associated facilities before  
26 any excavation activity begins;

1           (4) to identify, validate, and promote technology  
 2           transfer of the best practices used to prevent dam-  
 3           age to underground facilities and to update the re-  
 4           port entitled “Common Ground”; and

5           (5) to develop means to implement rec-  
 6           ommendations specified in “Common Ground”.

7           (c) REPORT TO CONGRESS.—Not later than 90 days  
 8           after the date of the enactment of this Act, the Secretary  
 9           shall transmit to Congress a report containing the stra-  
 10          tegic plan.

11   **SEC. 14. AUTHORIZATION OF APPROPRIATIONS AND OTHER**  
 12                           **FUNDING AUTHORIZATIONS.**

13          (a) GAS AND HAZARDOUS LIQUIDS.—Section  
 14   60125(a) is amended to read as follows:

15          “(a) GAS AND HAZARDOUS LIQUID.—

16                  “(1) AUTHORIZATION OF APPROPRIATIONS.—

17          For carrying out this chapter and other pipeline-re-  
 18          lated damage prevention activities of this title (ex-  
 19          cept for sections 60107 and 60116(e)), funds are  
 20          authorized to be appropriated to the Department of  
 21          Transportation for periods and in amounts as fol-  
 22          lows:

23                          “(A) For fiscal year 2002, \$41,500,000, of  
 24                          which \$31,500,000 is to be derived from user

1 fees collected for fiscal year 2002 under section  
2 60301 of this title.

3 “(B) For each of the fiscal years 2003 and  
4 2004, \$45,000,000, of which \$34,000,000 is to  
5 be derived from user fees collected for each of  
6 fiscal year 2003 and fiscal year 2004, respec-  
7 tively, under section 60301 of this title.

8 “(2) ALLOCATIONS FOR RESEARCH.—Of the  
9 amounts appropriated pursuant to paragraph (1) for  
10 a fiscal year, not less than the following amounts  
11 shall be used for research of pipeline safety tech-  
12 nologies described in section 11 of the Pipeline Safe-  
13 ty Enhancement Act of 2001:

14 “(A) \$5,000,000 for fiscal year 2002.

15 “(B) \$5,500,000 for fiscal year 2003.

16 “(C) \$6,000,000 for fiscal year 2004.”.

17 (b) GRANTS TO STATES.—Section 60125 is amended  
18 by striking subsections (b) and (c) and inserting the fol-  
19 lowing:

20 “(c) STATE GRANTS.—Not more than the following  
21 amounts may be appropriated to the Secretary to carry  
22 out section 60107:

23 “(1) For fiscal year 2002, \$21,000,000, of  
24 which \$18,000,000 is to be derived from collected

1 user fees for fiscal year 2002 under section 60301  
2 of this title.

3 “(2) For each of fiscal years 2003 and 2004,  
4 \$25,000,000, of which \$22,000,000 is to be derived  
5 from user fees collected for each of fiscal year 2003  
6 and fiscal year 2004, respectively, under section  
7 60301 of this title.”.

8 (c) EMERGENCY RESPONSE GRANTS AND OIL  
9 SPILLS.—Section 60525 is amended by redesignating sub-  
10 sections (d), (e), and (f) as subsections (e), (f), (g) and  
11 by inserting after subsection (b) the following:

12 “(c) EMERGENCY RESPONSE GRANTS.—There is au-  
13 thorized to be appropriated to carry out section 60116(e)  
14 \$6,000,000 for each of fiscal years 2002, 2003, and  
15 2004.”

16 (d) PIPELINE INTEGRITY PROGRAM.—

17 (1) DEPARTMENT OF TRANSPORTATION.—Of  
18 the amounts available in the Oil Spill Liability Trust  
19 Fund established by section 9509 of the Internal  
20 Revenue Code of 1986 (26 U.S.C. 9509),  
21 \$5,000,000 shall be transferred to the Secretary of  
22 Transportation for each of fiscal years 2002 through  
23 2006 to carry out programs for detection, preven-  
24 tion, and mitigation of oil spills under sections 11(b)  
25 and 12 of this Act. Amounts transferred under this



1 paragraph are in addition to amounts authorized to  
 2 be appropriated under section 60125(d) of title 49,  
 3 United States Code, as added by subsection (c)(2).

4 (2) AUTHORIZATION OF APPROPRIATIONS FOR  
 5 DOE.—There are authorized to be appropriated to  
 6 the Secretary of Energy for each of the fiscal years  
 7 2002 through 2006 such sums as may be necessary  
 8 for carrying out sections 11(b) and 12 of this Act.

9 **SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPE-**  
 10 **LINE SAFETY INFORMATION.**

11 (a) IN GENERAL.—Chapter 601, as amended by sec-  
 12 tion 4(a), is further amended by adding at the end the  
 13 following:

14 **“§ 60130. Protection of employees providing pipeline**  
 15 **safety information**

16 “(a) DISCRIMINATION AGAINST PIPELINE EMPLOY-  
 17 EES.—No operator of a pipeline facility, and no contractor  
 18 or subcontractor involved in the operation of a pipeline  
 19 facility, may discharge an employee or otherwise discrimi-  
 20 nate against an employee with respect to compensation,  
 21 terms, conditions, or privileges of employment because the  
 22 employee (or any person acting pursuant to a request of  
 23 the employee)—

24 “(1) provided, caused to be provided, or is  
 25 about to provide (with any knowledge of the em-

1        ployer) or cause to be provided to the employer or  
2        Federal Government information relating to any vio-  
3        lation or alleged violation of any provision of this  
4        chapter or of any other law of the United States  
5        relating to pipeline safety or any order, regulation,  
6        or standard issued under this chapter;

7            “(2) has filed, caused to be filed, or is about to  
8        file (with any knowledge of the employer) or cause  
9        to be filed a proceeding relating to any such viola-  
10       tion or any such alleged violation;

11           “(3) testified or is about to testify in such a  
12       proceeding; or

13           “(4) assisted or participated or is about to as-  
14       sist or participate in such a proceeding.

15        “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-  
16       DURE.—

17           “(1) FILING AND NOTIFICATION.—

18           “(A) FILING.—A person who believes that  
19       he or she has been discharged or otherwise dis-  
20       criminated against by any person in violation of  
21       subsection (a) may, not later than 90 days after  
22       the date on which such violation occurs, file (or  
23       have any person file on his or her behalf) a  
24       complaint with the Secretary of Labor alleging  
25       such discharge or discrimination.

1           “(B) NOTIFICATION.—Upon receipt of  
2           such a complaint, the Secretary of Labor shall  
3           transmit to the person named in the complaint  
4           and the Administrator of the Research and Spe-  
5           cial Programs Administration a written notifi-  
6           cation of the filing of the complaint the allega-  
7           tions contained in the complaint, the substance  
8           of evidence supporting the complaint, and the  
9           opportunities that are afforded to such person  
10          under paragraph (2).

11          “(2) INVESTIGATION; PRELIMINARY ORDER.—

12                 “(A) INVESTIGATION.—Not later than 60  
13                 days after the date of receipt of a complaint  
14                 filed under paragraph (1), and after affording  
15                 the person named in the complaint an oppor-  
16                 tunity to submit to the Secretary of Labor a  
17                 written response to the complaint, the Secretary  
18                 shall—

19                         “(i) conduct an investigation and de-  
20                         termine whether there is reasonable cause  
21                         to believe that the complaint has merit;  
22                         and

23                         “(ii) transmit to the complainant and  
24                         the person alleged to have committed a vio-

1           lation of subsection (a) a written notifica-  
2           tion of the Secretary's findings.

3           “(B) ORDER FOR RELIEF.—

4                 “(i) PRELIMINARY ORDER.—If the  
5           Secretary of Labor concludes that there is  
6           reasonable cause to believe that a violation  
7           of subsection (a) has occurred, the Sec-  
8           retary shall accompany the Secretary's  
9           findings with a preliminary order providing  
10          the relief prescribed by paragraph (3)(B).

11                “(ii) OBJECTIONS AND HEARING.—  
12          Not later than 30 days after the date of  
13          notification of findings under this para-  
14          graph, either the person alleged to have  
15          committed the violation or the complainant  
16          may file objections to the findings or pre-  
17          liminary order, or both, and request a  
18          hearing on the record. The filing of such  
19          objections shall not operate to stay any re-  
20          instatement remedy contained in the pre-  
21          liminary order. A hearing granted under  
22          this clause shall be conducted expedi-  
23          tiously.

24                “(iii) FINALITY OF ORDER.—If a  
25          hearing is not requested within such 30-

1 day period, the preliminary order shall,  
2 upon the expiration of that period, become  
3 a final order that is not subject to judicial  
4 review.

5 “(C) BURDENS OF PROOF.—

6 “(i) INITIAL SHOWING BY COMPLAIN-  
7 ANT.—The Secretary of Labor shall dis-  
8 miss a complaint filed under this sub-  
9 section and shall not conduct an investiga-  
10 tion otherwise required under subpara-  
11 graph (A) unless the complainant makes a  
12 prima facie showing that any behavior de-  
13 scribed in paragraphs (1) through (4) of  
14 subsection (a) was a contributing factor in  
15 the unfavorable personnel action alleged in  
16 the complaint.

17 “(ii) INITIAL SHOWING BY EM-  
18 PLOYER.—Notwithstanding a finding by  
19 the Secretary that the complainant has  
20 made the showing required under clause  
21 (i), no investigation otherwise required  
22 under subparagraph (A) shall be conducted  
23 if the employer demonstrates, by clear and  
24 convincing evidence, that the employer  
25 would have taken the same unfavorable

1 personnel action in the absence of that be-  
2 havior.

3 “(iii) SUBSTANTIATION BY COMPLAIN-  
4 ANT.—The Secretary may determine that a  
5 violation of subsection (a) has occurred  
6 only if the complainant demonstrates that  
7 any behavior described in paragraphs (1)  
8 through (4) of subsection (a) was a con-  
9 tributing factor in the unfavorable per-  
10 sonnel action alleged in the complaint.

11 “(iv) REBUTTAL BY EMPLOYER.—Re-  
12 lief may not be ordered under subpara-  
13 graph (A) if the employer demonstrates by  
14 clear and convincing evidence that the em-  
15 ployer would have taken the same unfavor-  
16 able personnel action in the absence of that  
17 behavior.

18 “(3) FINAL ORDER.—

19 “(A) DEADLINE FOR ISSUANCE; SETTLE-  
20 MENT AGREEMENTS.—Not later than 120 days  
21 after the date of the conclusion of a hearing  
22 under paragraph (2), the Secretary of Labor  
23 shall issue a final order providing relief pre-  
24 scribed in subparagraph (B) or denying the  
25 complaint. At any time before issuance of a

1 final order, a proceeding under this subsection  
2 may be terminated on the basis of a settlement  
3 agreement entered into by the Secretary of  
4 Labor, the complainant, and the person alleged  
5 to have committed the violation.

6 “(B) REMEDY.—If, in response to a com-  
7 plaint filed under paragraph (1), the Secretary  
8 of Labor determines that a violation of sub-  
9 section (a) has occurred, the Secretary of Labor  
10 shall order the person who committed such vio-  
11 lation to—

12 “(i) take affirmative action to abate  
13 the violation;

14 “(ii) reinstate the complainant to his  
15 or her former position together with the  
16 compensation (including back pay) and re-  
17 store for the complainant the terms, condi-  
18 tions, and privileges associated with his or  
19 her employment; and

20 “(iii) provide compensatory damages  
21 to the complainant.

22 “(C) ASSESSMENT OF COSTS.—If an order  
23 described in subparagraph (B) is issued in the  
24 case of a complaint, the Secretary of Labor, at  
25 the request of the complainant, shall assess

1           against the person whom the order is issued a  
2           sum equal to the aggregate amount of all costs  
3           and expenses (including attorney's and expert  
4           witness fees) reasonably incurred, as deter-  
5           mined by the Secretary of Labor, by the com-  
6           plainant for, or in connection with, the bringing  
7           of the complaint.

8           “(D) FRIVOLOUS COMPLAINTS.—If the  
9           Secretary of Labor finds that a complaint  
10          under paragraph (1) is frivolous or has been  
11          brought in bad faith, the Secretary of Labor  
12          may award to the prevailing employer a reason-  
13          able attorney's fee not exceeding \$1,000.

14          “(4) REVIEW.—

15          “(A) APPEAL TO COURT OF APPEALS.—  
16          Any person adversely affected or aggrieved by  
17          an order issued under paragraph (3) may ob-  
18          tain review of the order in the United States  
19          Court of Appeals for the circuit in which the  
20          violation, with respect to which the order was  
21          issued, allegedly occurred or the circuit in which  
22          the complainant resided on the date of such vio-  
23          lation. The petition for review must be filed not  
24          later than 60 days after the date of the  
25          issuance of the final order of the Secretary of



1 Labor. The review shall conform to chapter 7 of  
2 title 5. The commencement of proceedings  
3 under this subparagraph shall not, unless or-  
4 dered by the court, operate as a stay of the  
5 order.

6 “(B) LIMITATION OF COLLATERAL AT-  
7 TACK.—An order of the Secretary of Labor  
8 with respect to which a review could have been  
9 obtained under subparagraph (A) shall not be  
10 subject to judicial review in any criminal or  
11 other civil proceeding.

12 “(5) ENFORCEMENT OF ORDER BY SECRETARY  
13 OF LABOR.—

14 “(A) COMMENCEMENT OF ACTION.—  
15 Whenever a person has failed to comply with an  
16 order issued under paragraph (3), the Secretary  
17 of Labor may file a civil action in the United  
18 States district court for a district in which the  
19 violation was found to occur to enforce such  
20 order.

21 “(B) REMEDIES.—In actions brought  
22 under this paragraph, the district courts shall  
23 have jurisdiction to grant all appropriate relief,  
24 including, but not to be limited to, injunctive  
25 relief and compensatory damages.

1           “(6) ENFORCEMENT OF ORDER BY PARTIES.—

2           “(A) COMMENCEMENT OF ACTION.—A per-  
3           son on whose behalf an order was issued under  
4           paragraph (3) may commence a civil action  
5           against the person to whom the order was  
6           issued to require compliance with the order.

7           “(B) JURISDICTION.—The United States  
8           district courts shall have jurisdiction to enforce  
9           such order without regard to the amount in  
10          controversy or the citizenship of the parties.

11          “(C) ATTORNEY FEES.—The court, in  
12          issuing any final order under this paragraph,  
13          may award costs of litigation (including reason-  
14          able attorney’s and expert witness’ fees) to any  
15          party whenever the court determines that such  
16          award costs is appropriate.

17          “(c) MANDAMUS.—Any nondiscretionary duty im-  
18          posed by this section shall be enforceable in a mandamus  
19          proceeding brought under section 1361 of title 28.

20          “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-  
21          TIONS.—Subsection (a) shall not apply with respect to an  
22          employee of a pipeline, contractor or subcontractor who,  
23          acting without direction from the pipeline contractor or  
24          subcontractor (or such person’s agent), deliberately causes

1 a violation of any requirement relating to pipeline safety  
 2 under this chapter or any other law of the United States.

3 “(e) CONTRACTOR DEFINED.—In this section, the  
 4 term ‘contractor’ means a company that performs safety-  
 5 sensitive functions by contract for a pipeline.”.

6 (b) CIVIL PENALTY.—Section 60122(a) is amended  
 7 by adding at the end the following:

8 “(3) A person violating section 60130, or an order  
 9 issued under that section, is liable to the United States  
 10 Government for a civil penalty of not more than \$1,000  
 11 for each such violation. The penalties provided by para-  
 12 graph (1) do not apply to a violation of section 60130 or  
 13 an order issued thereunder.”.

14 (c) CONFORMING AMENDMENT.—The table of sec-  
 15 tions at the beginning of chapter 601, as amended by sec-  
 16 tion 4(a), is further amended by adding at the end the  
 17 following:

“60130. Protection of employees providing pipeline safety information.”.

18 **SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.**

19 Within 90 days after receiving recommendations for  
 20 improvements to pipeline safety from an advisory com-  
 21 mittee appointed by the Governor of any State, the Sec-  
 22 retary of Transportation shall respond in writing to the  
 23 committee setting forth what action, if any, the Secretary  
 24 will take on those recommendations and the Secretary’s

1 reasons for acting or not acting upon any of the rec-  
2 ommendations.

3 **SEC. 17. STUDY OF FINES AND PENALTIES IMPOSABLE BY**  
4 **THE DEPARTMENT OF TRANSPORTATION.**

5 (a) REQUIREMENT FOR STUDY.—The Inspector Gen-  
6 eral of the Department of Transportation shall conduct  
7 an analysis of the Department’s assessment of fines and  
8 penalties on gas transmission pipelines and hazardous liq-  
9 uid pipelines, including the cost of corrective actions re-  
10 quired by the Department in lieu of fines.

11 (b) REPORT TO CONGRESS.—

12 (1) REQUIREMENT FOR REPORT.—Not later  
13 than six months after the date of the enactment of  
14 this Act, the Inspector General shall submit to the  
15 Committee on Commerce, Science, and Transpor-  
16 tation of the Senate and the Committee on Trans-  
17 portation and Infrastructure of the House of Rep-  
18 resentatives a report on the study.

19 (2) CONTENT OF REPORT.—The report shall in-  
20 clude the Inspector General’s findings and any rec-  
21 ommendations for actions by the Secretary or Con-  
22 gress that the Inspector General considers necessary  
23 to ensure that the fines assessed are an effective de-  
24 terrent for reducing pipeline safety risks.

1 **SEC. 18. STUDY OF PIPELINE RIGHTS-OF-WAY AND THE EN-**  
2 **VIRONMENT.**

3 (a) **AUTHORITY.**—The Secretary of Transportation is  
4 authorized to conduct a study on how best to preserve en-  
5 vironmental resources in conjunction with maintaining  
6 pipeline rights-of-way.

7 (b) **REQUIRED CONSIDERATION.**—Any study con-  
8 ducted under this section shall recognize pipeline opera-  
9 tors' regulatory obligations to maintain rights-of-way and  
10 to protect public safety.

11 **SEC. 19. STUDY OF POPULATION ENCROACHMENT.**

12 (a) **REQUIREMENT FOR STUDY.**—The Secretary of  
13 Transportation, in consultation with the heads of appro-  
14 priate Federal agencies and representatives of appropriate  
15 State and local governments, shall undertake a study of  
16 land use practices and zoning ordinances that affect pipe-  
17 line rights-of-way.

18 (b) **PURPOSE.**—The purpose of the study shall be to  
19 gather information on land use practices and zoning  
20 ordinances—

21 (1) to determine effective practices to limit en-  
22 croachment on existing pipeline rights-of-way;

23 (2) to address and prevent the hazards and  
24 risks to the public and the environment associated  
25 with encroachment on pipeline rights-of-way; and

1           (3) to increase the awareness of the risks and  
2       hazards of encroachment on pipeline rights-of-way.

3       (c) CONSIDERATIONS.—In conducting the study, the  
4       Secretary shall consider, at a minimum, the following:

5           (1) The legal authority of Federal agencies and  
6       State and local governments in controlling land use  
7       and the limitations on such authority.

8           (2) The current practices of Federal agencies  
9       and State and local governments in addressing land  
10      use issues involving a pipeline easement.

11          (3) The most effective way to encourage Fed-  
12      eral agencies and State and local governments to  
13      monitor and reduce encroachment upon pipeline  
14      rights-of-way.

15      (d) REPORT.—

16          (1) ISSUANCE AND PUBLICATION.—Not later  
17      than one year after the date of the enactment of this  
18      Act, the Secretary shall issue and publish a report  
19      identifying practices, laws, and ordinances that are  
20      most successful in addressing issues of encroach-  
21      ment on pipeline rights-of-way so as to more effec-  
22      tively protect public safety and the environment.

23          (2) DISTRIBUTION OF REPORT.—The Secretary  
24      shall provide a copy of the report to appropriate

1 Federal agencies and to States for further distribu-  
2 tion to appropriate local authorities.

3 (e) ADOPTION OF APPROPRIATE PRACTICES, LAWS,  
4 AND ORDINANCES.—The Secretary shall encourage Fed-  
5 eral agencies and State and local governments to adopt  
6 and implement appropriate practices, laws, and ordi-  
7 nances, as identified in the report, to address the risks  
8 and hazards associated with encroachment upon pipeline  
9 rights-of-way.

10 (f) REPEAL OF SUPERSEDED PROVISION.—

11 (1) REPEAL.—Section 60127 of title 49, United  
12 States Code, is repealed.

13 (2) CLERICAL AMENDMENT.—The table of sec-  
14 tions at the beginning of chapter 601 of such title  
15 is amended by striking the item relating to section  
16 60127.

17 **SEC. 20. REPEAL OF REQUIREMENT FOR CONSIDERATION**  
18 **OF COSTS AND BENEFITS IN THE PRE-**  
19 **SCRIBING OF PIPELINE SAFETY STANDARDS.**

20 Section 60102(b) of title 49, United States Code, is  
21 amended—

22 (1) in paragraph (2)—

23 (A) by striking subparagraphs (D) and  
24 (E); and

1                    (B) by redesignating subparagraphs (F)  
2                    and (G) as subparagraphs (D) and (E), respec-  
3                    tively; and  
4                    (2) by striking paragraphs (3) through (7).

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